

MESSAGE NO: 5069304

MESSAGE DATE: 03/10/2015

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: INF-Information Notice PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE:

FR CITE DATE:

REFERENCE MESSAGE #
(s): 3078201, 4211201, 5041302

CASE #(s): A-570-863

EFFECTIVE DATE: 01/08/2015

COURT CASE #: 02-0057

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/10/2001 TO 05/10/2001

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Informational Message Pertaining to the Discontinued Suspension of Liquidation of Certain Entries for Honey from the People's Republic of China (A-570-863) for the period 02/10/2001 thru 05/10/2001

No Action Required This Message is for Informational Purposes Only

1. The Department of Commerce published in the Federal Register (66 FR 63670) on 12/10/2001, the amended final determination of sales at less than fair value and antidumping duty order covering honey from the People's Republic of China. On 06/18/2013, the United States Court of International Trade (CIT) sustained the Department of Commerce's final results of remand redetermination in which it determined that critical circumstances did not exist during the less than fair value investigation pursuant to the CIT's remand order in Zhejiang Native Produce & Animal By-Products Import & Export Corp. v. United States, Court No. 02-00057. Accordingly, on 07/08/2013, the Department of Commerce published a Notice of Court Decision Not in Harmony with Final Determination of Sales at Less Than Fair Value and Notice of Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision (78 FR 40696). On 10/10/2014, the U.S. Court of Appeals for the Federal Circuit issued its order upholding the U.S. Court of International Trade's decision in Zhejiang Native Produce & Animal By-Products Import & Export Corp., et al v. United States (court no. 02-0057).

2. As a result, the injunction to which message 3078201, dated 03/19/2003, refers, enjoining liquidation of certain entries which are subject to the antidumping duty order on honey from the People's Republic of China (A-570-863), exported to or imported into the United States by Zhejiang Native Produce & Animal By-Products Import & Export Corp., Kunshan Foreign Trade Co., China (Tushu) Super Food Import & Export Corp., High Hope International Group Jiangsu Foodstuffs Import & Export Corp., National Honey Packers & Dealers Association (NHPDA), Alfred L. Wolff, Inc., C.M. Goettsche & Co., China Products North America, Inc., D.F. International (USA) Inc., Evergreen Coyle Group, Inc., Evergreen Produce, Inc., Pure Sweet Honey Farm, Inc., and Sunland International, Inc., and were the subject of an affirmative critical circumstances finding and were entered on or after 02/10/2001; and were the subject of a negative critical circumstances finding and were entered on or after 05/11/2001, and remain unliquidated as of 5 o'clock p.m. 03/11/2003, dissolved on 01/08/2015.

3. However, please note that on 02/05/2015, the CIT issued a temporary restraining order (TRO) enjoining liquidation of the entries identified below, as referred to in message 5041302, dated 02/10/2015:

The TRO enjoins liquidation of entries which (1) were subject to the administrative determination published as Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Honey From the People's Republic of China, 66 Fed. Reg. 63,670 (Dec. 10, 2001); (2) were produced, exported, or imported from the People's Republic of China by Zhejiang Native Produce & Animal By-Products Import & Export Corp., Kunshan Foreign Trade Co., China (Tushu) Super Food Import & Export Corp., High Hope International Group Jiangsu Foodstuffs Import & Export Corp., National Honey Packers & Dealers Association, Alfred L. Wolff, Inc., C.M. Goettsche & Co., China Products North America, Inc., D.F. International (USA) Inc., Evergreen Coyle Group Inc., Evergreen Produce Inc., Pure Sweet Honey Farm Inc., and Sunland International Inc.; and (3) were entered, or withdrawn from warehouse, for consumption during the period of 05/11/2001 through 02/05/2015, the date upon which the order was docketed.

4. Please further note that an injunction with court number 04-00268 remains in effect on certain entries subject to the antidumping duty order on honey from the People's Republic of China exported by Zhejiang Native Produce and Animal By-Products Import & Export Group Corp. (formerly known as Zhejiang Native Produce and Animal By-Products Import & Export Corp.) for the period 05/11/2001 through 11/30/2002, as discussed in message number 4211201, dated 07/29/2004. Accordingly, continue to suspend liquidation of such entries for the period 05/11/2001 through 11/30/2002 until liquidation instructions are issued for entries subject to this injunction (message no. 4211201, dated 07/29/2004) as well as the TRO (message no. 5041302, dated 02/10/2015).

5. Separate liquidation instructions for entries that are no longer subject to the injunction (message no. 3078201, dated 03/19/2003) or TRO (message no. 5041302, dated 02/10/2015) will be issued separately.

6. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OVI:AT.)

7. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party